



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2004-18**

May 7, 2004

Mr. Michael McMahon
PO Box 695
Hampton, NH 03843

RE: DES Wetlands File #2004-00608 96 Dudley Rd, Brentwood

Dear Mr. McMahon:

On May 5, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property currently owned by Richard and Amanda Woodfield, more specifically referenced on Town of Brentwood Tax Map 2 as Lot 42.5 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection of the Property, the following deficiencies were documented

1. Approximately 13,727 square feet of wetlands had been dredged (stumped) without a permit from DES.
2. Steep slopes adjacent to the wetlands were unstablized and had resulted in sediment deposition into wetlands

In a telephone conversation on May 6, 2004, with DES personnel, you indicated that you had done the work to prepare the area for horses and agreed to carry out a restoration of the impacted wetlands on the Property currently owned by Richard and Amanda Woodfield.

In response, you are requested to take the following actions:

1. Obtain permission from the current Property owner to conduct restoration activities on the Property
2. By May 30, 2004, retain a certified wetland scientist to prepare a restoration plan for the Property. The restoration plan should be submitted to DES for approval by July 30, 2004 and contain the following:
 - a. A plan with dimensions, drawn to scale, indicating the footprint of the wetland prior to disturbance (delineated in accordance with Section F of the *Corps of Engineers Wetlands Delineation Manual*), the footprint of the existing conditions indicating the areas that have been dredged, and dredged and filled;
 - b. A plan for re-establishing the wetland to its original footprint;
 - c. A proposed means of erosions control;
 - d. A proposed schedule and restoration sequence listing equipment and methods for accomplishing restoration;
 - e. A proposed planting plan for the re-establishment of wetland vegetation;
 - f. A monitoring and reporting schedule including an initial report to DES and at least one restoration progress assessment report after a full growing season.

3. Carry out restoration as conditioned in a separate DES Restoration Approval Letter.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

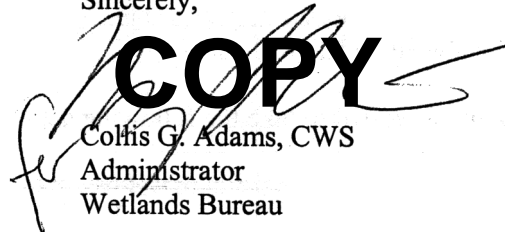
Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Arlene Allen, Compliance Specialist
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Arlene Allen at (603) 271-4192

Sincerely,


COPY
Coltis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7002 3150 0001 5411 0206

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Brentwood Conservation Commission
Brentwood Board of Selectmen
USACOE
Mr. Richard and Ms. Amanda Woodfield